UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,236	12/01/2003	Jin Woo Lee	SI-0048	9765

34610   7590   09/07/2005

FLESHNER & KIM, LLP
P.O. BOX 221200
CHANTILLY, VA 20153

EXAMINER
KUNDU, SUJOY K

ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/724,236	LEE ET AL.
	Examiner	Art Unit
	Sujoy K. Kundu	2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 August 2005*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-14,17,19 and 21-32* is/are rejected.

7)☒ Claim(s) *7,15,16,18 and 20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail. Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8-12, 21-32 rejected under 35 U.S.C. 102(e) as being anticipated by

Berliner et al (6,631,126).

With regards to claims 1-4, 8, 21-24, 28-29 Berliner teaches a method of

gathering statistical information comprising:

calculating a holding time (Column 3, Lines 54-60) for a single call (Column 4,

Lines 6-9); and

calculating a holding time (Column 3, Lines 54-60) of a soft added call (Column

4, Lines 10-17).

With regards to claim 5, Berliner teaches a method for calculating the holding

time (Column 3, Lines 54-60) of the single call comprises counting a period when an

originated/terminated call is set up (Column 3, Lines 60-64).

With regards to claims 6 and 9, Berliner teaches a method for calculating the

holding time comprises counting the holding time from a point of time when a channel

resource is occupied due to a call origination/termination (Column 5,Lines 57-61) to a

base station to a point of time when the channel resource is withdrawn (Column 5, Lines 57-61, Column 6,Lines 12-14).

With regards to claims 10-11, 25-27, 30-32 Berliner teaches a method for calculating the holding time comprises counting the holding time from a point of time when a channel resources is occupied due to receipt of a call origination/termination (Column 5,Lines 57-61) request message to a point of time when a soft add notification message (Column 6, Lines 17-26) is received from another base station after setup in response to the call origination/termination request, and counting the holding time from a point of time when the soft drop notification message (Column 6, Lines 55-57) is received from the another base station to a point of time when the channel resource is withdrawn due to completion of the soft added call (Column 5, Lines 57-61, Column 6, Lines 12-14).

With regards to claim 12, Berliner teaches a method for calculating a holding time by counting a period of an originated/terminated call (Column 3, Lines 54-60); and

calculating a handoff holding time by counting a period when soft added calls are set up due to a handoff (Fig. 4, Column 7, Lines 32-41).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 13-14,17, and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Berliner et al (6,631,126) as in view of Bennett et al (US

2004/0077358 A1).

With regards to Claim 13, Berliner teaches all the limitations as discussed above,

however Berliner does not teach a method for calculating the holding time comprise:

setting up a single call by a source base station's detecting the originated/terminated

call and allotting a channel resource; and starting a first holding timer.

However, Bennett discloses a method for calculating the holding time comprise:

setting up a single call by a source base station's detecting the originated/terminated

call and allotting a channel resource; and starting a first holding timer (Fig. 5, Part ST3,

Pages 2-3, Paragraph 23).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to create a method for calculating the holding time comprise:

setting up a single call by a source base station's detecting the originated/terminated

call and allotting a channel resource; and starting a first holding timer as taught by

Bennett into Berliner for the purpose of providing increase in operational time and

improve methods and systems for arbitration in a push to-talk communication systems

(Bennett, Background Art, Paragraph 3).

With regards to claims 14,17,19 Berliner teaches all the limitations as discussed

above, however Berliner does not teach a method when the source base station

receives a soft added notification message from another base station, calculating the
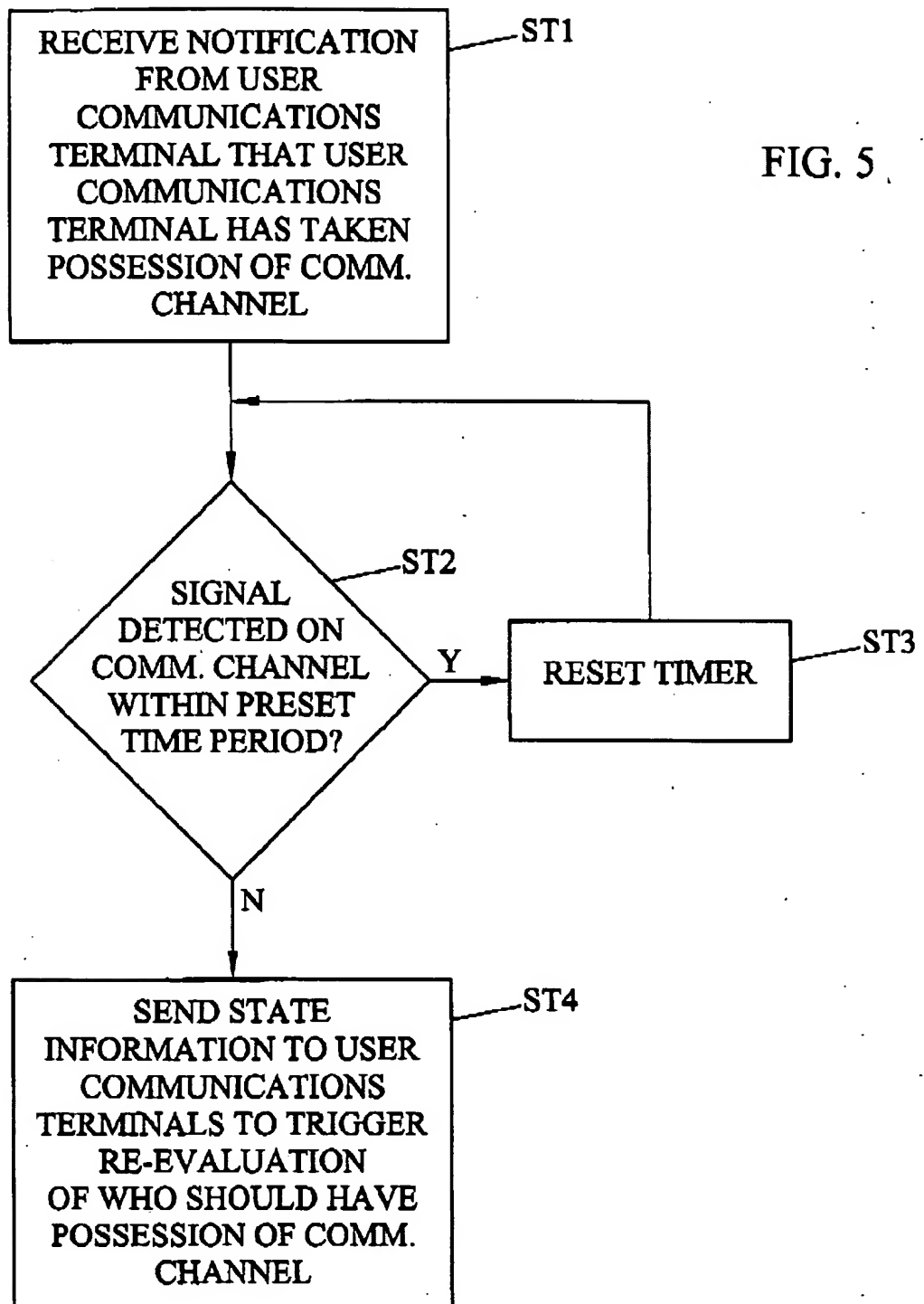
holding time further comprises calculating a first holding time based on said first holding timer.

However, Bennett discloses a method when the source base station receives a soft added notification message (Fig. 5, Part ST1) from another base station, calculating the holding time further comprises calculating a first holding time based on said first holding timer (Fig. 5, Part ST3, Pages 2-3, Paragraph 23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create a method for calculating the holding time comprise: setting up a single call by a source base station's detecting the originated/terminated call and allotting a channel resource; and starting a first holding timer as taught by Bennett into Berliner for the purpose of providing increase in operational time and improve methods and systems for arbitration in a push to-talk communication systems (Bennett, Background Art, Paragraph 3).

RECEIVE NOTIFICATION
FROM USER
COMMUNICATIONS
TERMINAL THAT USER
COMMUNICATIONS
TERMINAL HAS TAKEN
POSSESSION OF COMM.
CHANNEL

ST1

FIG. 5

SIGNAL
DETECTED ON
COMM. CHANNEL
WITHIN PRESET
TIME PERIOD?

ST2

Y

RESET TIMER

ST3

N

SEND STATE
INFORMATION TO USER
COMMUNICATIONS
TERMINALS TO TRIGGER
RE-EVALUATION
OF WHO SHOULD HAVE
POSSESSION OF COMM.
CHANNEL

ST4

Allowable Subject Matter

Claims 7, 15, 16, 18, 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: Claims 7, 15, 16, 18, 20 Bennett teaches the use of a timer to calculate a holding time; the timer is reset in order to further calculate a second holding time. The primary reason for the allowance of claims 7, 15,16,18,20 are the inclusion of the method steps of: a new single call for a target base station being set up and the other base stations being dropped to further calculate a second holding time. It is these features found in the claims, as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Repsonse to Arguments

Applicant's arguments filed August 16, 2005 have been fully considered but they are not persuasive.

Applicant argues that features of calculating a holding time for a single call and calculating a holding time of a soft added call are not suggested in independent claim 1, 12, and 21.

Examiner's position is that prior art teaches, calculating a holding time for a single call and calculating a holding time of a soft added call (Berliner, Column 3, Lines 54-56). Berliner discloses the time it takes to change the status of a mobile unit from the control hold state to the active state is called the reactivation time. In addition, Berliner discloses the calculation of holding time for a soft added call (Column 4, Lines 6-17). Furthermore, Berliner suggests that the calculation of holding is based on the fundamentals of channel for voice and/or low-speed messaging, high-speed reverse-link data messages are transmitted by mobile unit (Fig.1, 112).

Regarding claims 5,6, 8-11, 13, 16-20, 25-27, and 30-32, examiners rejection remains the same as they are dependent on the rejected independent claims above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any
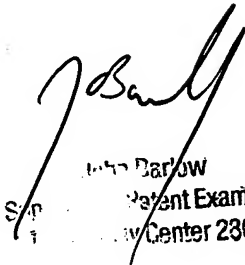
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujoy K. Kundu whose telephone number is 571-272-8586. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SKK
08/31/05

John Barlow
Patent Examiner
Technology Center 2300